

Sec. 23-107. Determination of character and strength of wastes; accidental discharges; confidentiality of information; publication of names of noncomplying users.

- (a) The industrial waste and/or other pollutants being discharged by any person into the sanitary sewerage system shall be subject to periodic inspection. A determination of character and strength of those wastes shall be made quarterly, or more often as may be deemed necessary, by the approving authority or his authorized assistants.
- (b) Samples shall be collected in such a manner as to be representative of the wastes being discharged. The laboratory methods followed in the examination of those wastes shall be those as set forth in 40 CFR 136 and amendments thereto.
- (c) The determination of the character, strength or quantity of the wastes as made by the approving authority or his authorized assistants shall be binding as a basis for computation of charges or for actions by the city. The person discharging such wastes may, however, conduct his own sampling and analytical program and submit to the approving authority the results relating to character, strength and quantity of the wastes. In such cases, however, the securing of samples shall be in accordance with methods acceptable to the approving authority, and the laboratory procedures followed in analyzing the samples shall be as specified in subsection (b) of this section. Acceptance or rejection of the results thus submitted shall be a right reserved for the approving authority.
- (d) The approving authority may require any permit holder to construct and maintain a wastewater monitoring facility of a design or configuration acceptable and sufficient to accomplish monitoring requirements as set forth in the permit.
- (e) The sampling, analysis and flow measurement procedures, equipment, data and test results shall be subject at any reasonable time to inspection by the approving authority. The approving authority may require the submission of all discharge monitoring results generated by testing methods described in 40 CFR 136. Flow measurement systems and all appropriate equipment shall be regularly calibrated in accordance with procedures acceptable to the approving authority.
- (f) Dischargers shall notify the approving authority immediately (within 24 hours) by telephone or in person upon discharging wastes in violation of this article accidentally or otherwise. Such notification shall be followed, within five days of the day of occurrence, by a detailed written statement to the approving authority, describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. The approving authority may require the discharger to conduct followup testing in accordance with methods described in 40 CFR 136 and submit the test results within a specified timeframe. Dischargers are required to take all reasonable countermeasures to stop the discharge and to neutralize its effect, if possible. The approving authority may require the dischargers to provide protection from accidental discharge of prohibited materials or other wastes controlled by this article.
- (g) Should measurements or other investigations indicate that the industrial wastewater discharger has discharged wastewater, the constituents of which are significantly different in quantity or quality from those stated by the discharger, the approving authority shall notify the discharger and require that the discharger furnish all information in his possession that is relevant.
- (h) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the

public but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System permit, the state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

(i) The approving authority shall at least annually provide public notification, in the largest daily newspaper published in the metropolitan Columbia sewer service area, of industrial users which during the previous 12 months were, at least once, in significant noncompliance with any provision of this article or any condition or limitation of a permit issued in accordance with this article.

(Code 1979, § 5-3006)